

DEVELOPMENT ASSESSMENT REPORT – DA199/22 - PROPOSED SHED, LOT 1 DP 840412, LITHGOW GOLF CLUB, 2 GOLF LINKS ROAD MARRANGAROO NSW 2790

1. SUMMARY

On 28 October 2022, the subject Development Application DA199/23 was lodged to Council seeking consent for a storage shed on land known as Lot 1 DP 840412, Lithgow Golf Club 2 Golf Links Road Marrangaroo.

The development is to be reported to Council as per Council's Policy 7.6 'Development Applications By Councillors And Staff Or On Council Owned Land', given that the land is owned by Council.

Pursuant to the Lithgow Community Participation Plan, the Application was notified commencing 2 November 2022 and concluded 30 November 2022. No known written submissions were received during the notification period.

The purpose of this report is to assess and recommend determination of Development Application DA199/22 for a storage shed on land known as Lot 1 DP 840412, Lithgow Golf Club 2 Golf Links Road Marrangaroo.

2. PROPOSAL

Council is in receipt of a Development Application DA199/22 for a shed on land known as Lot 1 DP 840412, Lithgow Golf Club 2 Golf Links Road Marrangaroo.

The development proposes a new golf cart shed to be located west of the existing carpark, south west of the clubhouse and south of the golf course. The development proposes to be 178m from the eastern boundary that adjoins the Western Railway Line and approximately 15m to the adjoining southern boundary. An existing storage shed, owned by Club, is located 5m north of the new shed.

The shed is proposed to contain a floor area of 160m² (8m x 20m) with a height of 3m. The shed will contain 2 roller doors and an access door. The shed will further be constructed of colourbond material.

The location of the proposed shed is shown on the plan below:

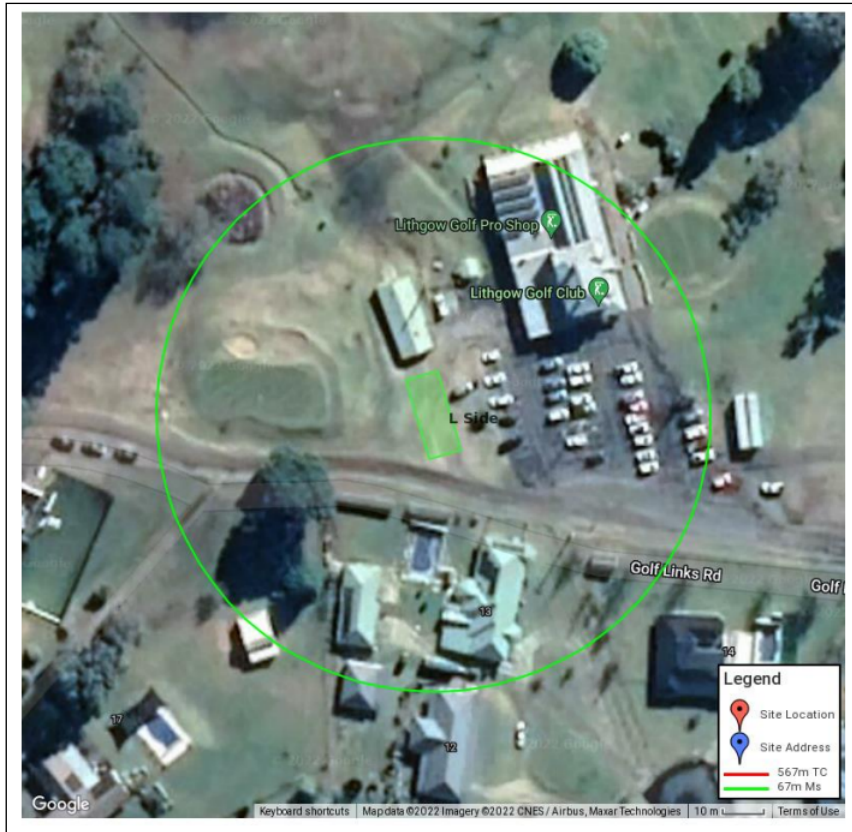


Figure 1: Proposed Site Plan

3. LOCATION OF THE PROPOSAL

Legal Description: Lot 1 DP 840412
 Property Address: Lithgow Golf Club 2 Golf Links Road MARRANGAROO NSW 2790

4. ZONING & PERMISSIBILITY

The land is zoned RE1 Public Recreation under the *Lithgow Local Environmental Plan 2014* (LEP).

The zoning map is shown below:

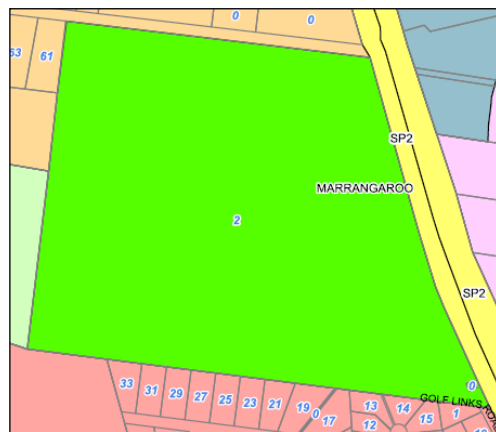


Figure 2: Land Use Zoning (LEP 2014)

The development involves the construction of storage shed for use in conjunction with the existing golf course on the land. This use is considered to be ancillary to the golf course use which is best characterised in the LEP as a "recreation facility (outdoor)" (defined below). As such the use is permitted with consent in the RE1 zone.

***recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).*

5.1 POLICY IMPLICATIONS (OTHER THAN DCPs)

Lithgow Community Participation Plan

The proposed development has been placed on public exhibition in accordance with the Lithgow Community Participation Plan and nearby landowners have been notified of the proposal. The proposal documents were placed on public exhibition for 14 days in accordance with the Participation Plan commencing 2 November 2022 and concluded 30 November 2022.

No known written submissions were received during the notification period.

Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land

Council's policy states:

1. *That, subject to the exemptions in Part 2 of this Policy, the following development applications shall be referred to Council for consideration and determination:*
 - c) *Where the development application is on Council owned land.*

As such, this application will be referred to an Ordinary Meeting of Council for consideration and determination.

5.2 FINANCIAL IMPLICATIONS

- Budget approved - N/A for the assessment of the development application.
- Cost centre - N/A for the assessment of the development application.
- Expended to date - N/A.
- Future potential impact- This building will form part of the lease agreement with the Golf Club.

Section 94A (Section 7.12) Development Contributions Plan 2015

Council's Section 94A (Section 7.12) Development Contributions Plan 2015 **does not** apply to this development given it is for a shed at an estimated cost of \$50,000 and Council is exempt from payment.

5.3 LEGAL IMPLICATIONS

Local Government Act 1993

The land containing the golf course is owned by Lithgow City Council and is classified as "community land" under the provisions of the *Local Government Act 1993*. Council has adopted a plan of management for the land which categorises it as 'sportsground'. The replacement shed will improve the quality of the recreational facility and is ancillary to the golf course use. It complies with the objectives of the plan of management and is consistent with the provisions of the *Local Government Act 1993*.

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Lithgow Local Environmental Plan 2014

LEP 2014 – Compliance Check		
Clause		Compliance
Land Use table	RE1 Public Recreation	Yes
5.2	Classification and reclassification of public land	Yes
5.10	Heritage conservation	Yes
5.21	Flood Planning	Yes
7.1	Earthworks	Yes
7.3	Stormwater management	Yes
7.5	Groundwater vulnerability	Yes

Comment: The proposed development is consistent with the zone objectives. The objectives are:

Objectives of the RE1 Zone

- To enable land to be used for public open space or recreational purposes.*
- To provide a range of recreational settings and activities and compatible land uses.*
- To protect and enhance the natural environment for recreational purposes.*
- To maintain or improve the water quality of receiving water catchments.*

The land is currently utilised as the Lithgow Golf Club, a community passive space at Marrangaroo. The Golf Club consists of a clubhouse including restaurant and bar, golf course, associated carparking area and storage/maintenance sheds. The development would not impact the recreational settings and is compatible with the surrounding uses on the property.

Clause 5.2 Classification and reclassification of public land

The property is defined as being public land that is utilised by all members of the community. It is operational land that is controlled and managed by Council.

Clause 5.10 Heritage Conservation

The Lithgow Golf Club building is listed as an item of local heritage in Schedule 5 of the LEP (Item No I106). The heritage inventory sheet for the golf club indicates that the Clubhouse has been extensively altered and extended unsympathetically overtime.

It is noted that the important architectural and aesthetic features are the front polychrome brickwork façade and decorated brick walls. For 40 years the clubhouse was the ironmasters house, significant for his surrounding setting. The building contains 2 storeys with a verandah at the front and sides.

The new shed is proposed to be located adjacent, by 5m, to the new Club shed and meal room, 21m south west (back) of the clubhouse.

Given that the shed is similar to the adjoining club shed, located 21m away from the heritage building and is of a smaller scale (being 1 storey and 160m²), the development will have minimal impact to heritage in the area.

Clause 5.21 Flood Planning

The land is identified as being flood affected on its eastern boundary. The site of the development proposal is not affected and the provisions of this clause are generally satisfied.

The flood map is shown below:

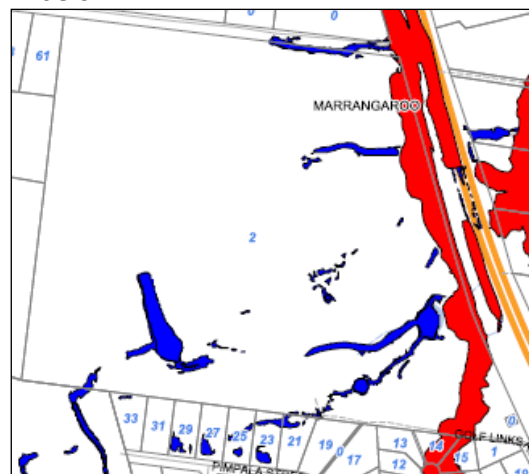


Figure 3: Flood Map

Clause 7.1 Earthworks

The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by contamination. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

The location of the proposed development is relatively flat. Maximising existing slope and with some earthworks, the development will contain an acceptable gradient (no greater than 20%). The development proposes minimal earthworks for the installation of footings and associated works. This is satisfactory for the development subject to soil and erosion controls being conditioned on the consent.

Clause 7.3 Stormwater Management

The application shows stormwater discharge to an existing stormwater line on the property. This is satisfactory for the development and complies with WaterNSW requirements. As such the development is not considered likely to adversely affect the water quality of the receiving waters.

Clause 7.5 Groundwater Vulnerability

The riparian areas of the land are identified on the Environmentally Sensitive Areas—Water Overlay Map identified in this clause. The objective of this clause is to protect and maintain the following—

- (a) *water quality within watercourses,*
- (b) *the stability of the bed and banks of watercourses,*
- (c) *aquatic and riparian habitats,*
- (d) *ecological processes within watercourses and riparian areas.*

The property is identified as containing ground water vulnerability. Groundwater dependent ecosystems would not be impacted upon by the development as the development would utilise a small section of land on the property and would consist of landscaped areas. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

Water vulnerability is mapped below:

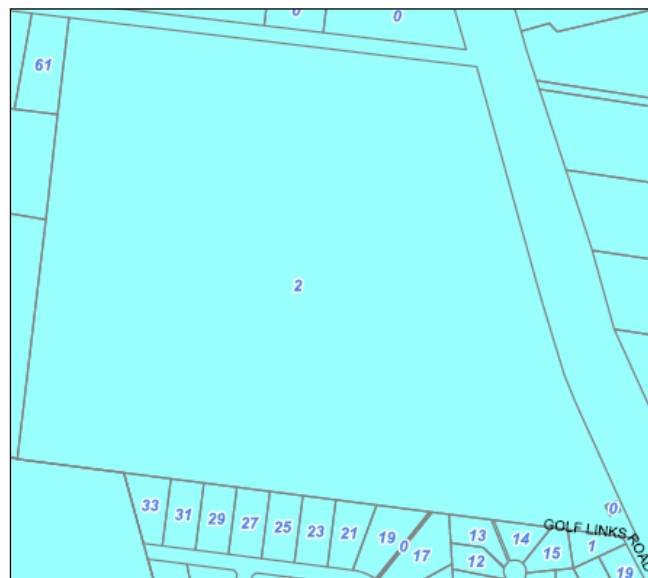


Figure 4: Ground water Vulnerability Map

The land is deemed suitable for the proposal and is considered to comply with Council's LEP 2014.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 ***Chapter 4 Koala habitat protection 2021***

The land has an area greater than 1 hectare and therefore must take into consideration the SEPP. Clause 4.9 (2) of this SEPP applies to the development application and includes the following:

Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat

Given that the proposed development does not require the removal of trees, it is considered koala habits will not be impacted or impede movement between koala habitats. Because of this, the proposal is categorised as Tier 1 development having (low impact) under the Koala Habitat Protection Guidelines and development consent can be granted in accordance with the clause above.

State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapter 6 Sydney Drinking Water Catchment

NorBE Assessment

General Information

DA number **DA199/22**
 Assessing officer **Lauren Stevens**
 Council **Lithgow City**
 Development class **New Farm Building/Shed- No wastewater proposed**
 Date of assessment **21/02/2023**

Lot	Section	Plan
1		840412

Assessment Summary

NorBE status **Determined**
 System outcome **Satisfied** User outcome **Satisfied**
 SCA concurrence outcome
 Determination outcome **Granted** Determination date **21/02/2023**

Pre-Assessment

Located within Sydney drinking water catchment? **Yes**
 Is development consistent with any existing SCA S88 instruments on title? **N/A**
 Crown perpetual leasehold land? **No**
 Water quality impact? **Yes**
 Documentation is complete? **Yes**
 Does Water Cycle Management Study meet SCA/Council requirements? **Yes**

Module 1

Development risks

Impervious area (m2) **185**
 Construction area (m2) **160**
 Adequate SSSQM certificate provided? **N/A**

Area to be disturbed

Development site slope > 20% **No**
 Development site within 1% AEP flood level flood prone land? **No**
 Other site constraints? **No**

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

5.3.3 Any Development Control Plan

Lithgow Council's Development Control Plan 2021

Development Control	Assessment Comments
Chapter 2 – Site Requirements	
2.2 Site Analysis, Local Character & Context	
2.2.1 Site Selection	The development is permissible in the zone and complies with the zone objectives. The development is consistent with surrounding landuses being for the golf course.
2.2.2 Site Analysis & Development Response	<p>The property is heritage listed under the Lithgow LEP 2014. Refer to comments later in this report in this regard.</p> <p>The property is bushfire prone however given that the use is non habitable, bushfire requirements are not applicable.</p> <p>The shed is proposed to be located adjacent to another shed, as such the development will have minimal impact to the topography of the land or streetscape/character.</p>
2.2.3 Local Character & Context	The development is proposed to be located within an existing streetscape surrounded by a mixture of development uses. As such, the development is not expected to have any impact to the character and context of the area.
2.2.4 Visually Prominent Sites	The development has been designed to blend into the existing landform and will have minimal visual impacts to surrounding developments. Landscaping will be conditioned on the consent to be located around the building to soften the visual impacts.
2.2.5 Materials	The shed will be constructed of colourbond material. This is similar to the adjoining shed.
2.3 Slope Response & Earthworks	
2.3.1 Slope & Site Design	<p>The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by contamination. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.</p> <p>The location of the proposed development is relatively flat. Maximising existing slope and with some earthworks, the development will contain an acceptable gradient (no greater than 20%). The development proposes minimal earthworks for the installation of footings and associated works. This is satisfactory for the development subject to soil and erosion controls being conditioned on the consent.</p>

2.4 Stormwater Management	The application shows stormwater discharge to an existing stormwater line on the property. This is satisfactory for the development and complies with WaterNSW requirements. As such the development is not considered likely to adversely affect the water quality of the receiving waters.
2.5 Vehicle Access & Parking	
2.5.1 Guidelines & Standards	The property contains an existing access from Golf Links Road. This access is suitable for the development and is not required to be upgraded or amended.
2.5.2 Vehicle Access & Driveways	As stated above.
2.5.4 Parking Location, Design & Circulation	The golf club facility contains a large carpark, located east of the proposed development. Given that the shed is for the storage of golf carts, the development is considered minor and no additional carparking spaces is required.
2.6 Pedestrian Access, Mobility & Safety	
2.6.1 Accessibility	The property contains an existing track from the carparking area and from the clubhouse for pedestrian access. This is considered satisfactory for the development.
2.6.2 Pedestrians	As stated above.
2.8 Utilities, Easements & Infrastructure	
2.8.1 Connection to Utilities	The development will be connected to electrical services located within the vicinity of the development.

Development Control	Assessment Comments
Chapter 3 – Natural Environment & Hazards	
3.2 Bush Fire Prone Land	
<p><i>Note: Section 4.14 of the Environmental Planning and Assessment Act requires a consent authority to be satisfied a development conforms to the specifications and requirements of Planning for Bushfire Protection prior to granting consent.</i></p> <p>The property is bushfire prone however given that the use is non habitable, bushfire requirements are not applicable.</p>	
3.5 Flood Prone Land	
The land is identified as being flood affected on its eastern boundary. The site of the development proposal is not affected and the provisions of this clause are generally satisfied.	

3.6 Ground & Surface Water Protection

The property is identified as containing ground water vulnerability. Groundwater dependent ecosystems would not be impacted upon by the development as the development would utilise a small section of land on the property and would consist of landscaped areas. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

Development Control	Assessment Comments
Chapter 4 – Heritage & Cultural Conservation	
4.3 General Controls - Development of Heritage Items/Places & within Heritage Conservation Areas	
4.3.1 Design and Character	The development is proposed to be located within an existing streetscape surrounded by a mixture of development uses. As such, the development is not expected to have any impact to the character and context of the area.
4.3.2 Scale and Form	The shed is proposed to contain a floor area of 160m ² (8m x 20m) with a height of 3m. This is smaller than the heritage item on the property being the clubhouse building.
4.3.3 Siting and Setbacks	The development proposes to be 178m from the eastern boundary that adjoins the Western Railway Line and approximately 15m to the adjoining southern boundary. An existing storage shed, owned by the club, is located 5m north of the new shed. The setbacks are considered adequate for the development as no specific controls are applicable for this type of development.
4.3.5 Materials, Finishes and Colour Schemes	The shed will contain 2 roller doors and an access door. The shed will further be constructed of colourbond material. This is similar to the adjoining shed adjacent to the development.
4.3.11 Access and Mobility	The property contains an existing track from the carparking area and from the clubhouse for pedestrian access. This is considered satisfactory for the development.

5.3.4 Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

No.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Adjoining Landuse: The surrounding area is generally for recreation uses with the proposal to be consistent with the surrounding land uses. The proposal will not cause any land use conflicts and the development is permissible within the zone.

The development proposes to be 178m from the eastern boundary that adjoins the Western Railway Line and approximately 15m to the adjoining southern boundary. An existing storage shed, owned by the club, is located 5m north of the new shed.

As the property is located within a recreation area, the development will not impact adjoining landuses in regard to overshadowing, visual impacts, noise or traffic impacts.

Services: All essential utility services are connected to the golf course site and can adequately service the development.

Access: The property contains an existing access from Golf Links Road. This access is suitable for the development and is not required to be upgraded or amended.

Heritage: The Lithgow Golf Club building is listed as an item of local heritage in Schedule 5 of the LEP (Item No I106). The heritage inventory sheet for the golf club indicates that the Clubhouse has been extensively altered and extended unsympathetically overtime.

It is noted that the important architectural and aesthetic features are the front polychrome brickwork façade and decorated brick walls. For 40 years the clubhouse was the ironmasters house, significant for his surrounding setting. The building contains 2 storeys with a verandah at the front and sides.

The new shed is proposed to be located adjacent, by 5m, to the new adjoining shed, 21m south west (back) of the clubhouse.

Given that the shed is similar to the adjoining shed, located 21m away from the heritage building and is of a smaller scale (being 1 storey and 160m²), the development will have minimal impact to heritage in the area.

Social and Economic Impact: As the proposed development will be generally in keeping with the provisions of the planning instrument and is reasonably compatible with other similar development in the locality, it is expected a generally positive social and economic impact will result.

Soils: The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by contamination. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

The location of the proposed development is relatively flat. Maximising existing slope and with some earthworks, the development will contain an acceptable gradient (no greater than 20%). The development proposes minimal earthworks for the installation of footings and associated works. This is satisfactory for the development subject to soil and erosion controls being conditioned on the consent.

Water: The proposed development has been assessed using the NorBE tool as required by the *State Environmental Planning Policy (Biodiversity and Conservation)*

2021; Chapter 8 Sydney Drinking Water Catchment with a result of satisfied. Therefore, with appropriate conditions of consent it is considered that the development will have minimal impact on water.

Natural Hazards: The land is identified as being flood affected on its eastern boundary. The site of the development proposal is not affected and the provisions of this clause are generally satisfied.

The property is bushfire prone however given that the use is non habitable, bushfire requirements are not applicable.

The bushfire map is shown below:

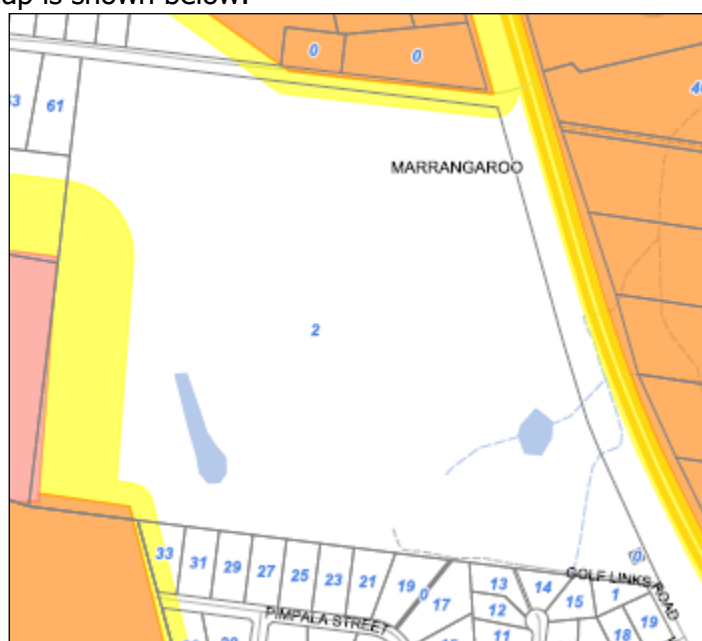


Figure 5: Bushfire Map

5.3.7 The Suitability of the site for the development

The surrounding land uses are for residential pursuits with the size and nature of the development consistent with those in the surrounding area. The development will have minimal impact to the surrounding amenity. The proposed development complies with the objectives of the zone and the site is considered to be suitable for the proposal.

5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to Council's Building Officer for commenting with recommendations detailed below.

COUNCIL'S BUILDING OFFICER

Reference is made to Council's Building Surveyor's referral received 3 August 2023 in response to Council's Planner's referral dated 2 November 2022.

Council's Building Officer has no objection to the application subject to conditions on the consent. The conditions are detailed under Schedule A.

5.3.9 The public interest

The public interest is best served by the orderly and economic use of land for permissible uses and that does not impact unreasonably on the use and development of surrounding land.

6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA199/22 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens

Signed:.....

Dated:.....

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments.
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

GENERAL REQUIREMENTS

1. **Approved Development**

The development is to take place in accordance with the approved plans containing Council's stamp and all associated documentation submitted with the application, except as modified in red by Council and/or by any conditions of this consent.

Plan No.	Plan Name	Rev	Date
A101	Site Plan, by A. Tofler	1	12/12/2022
A001	Sediment Control Plan, by A. Tofler	1	12/12/2022
	Elevations and Section Plans, by Lithgow Sheds		23/01/2023

2. **Building Regulations**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

3. **Development Location**

The shed shall be located wholly within the confines of the property boundaries in accordance with the approved site plan.

4. **Landscaping Plan**

Prior to the issue of the Construction Certificate, a landscaping plan is to be submitted and approved by Council. The type of species is to be detailed to allow screening throughout all seasonal periods.

CONDITIONS APPLYING BEFORE WORKS COMMENCE

5. **Certification**

Prior to commencing any construction works, the following requirements of the *Environmental Planning and Assessment Act 1979* are to be complied with:

- a) A principal certifier is appointed in accordance with section 6.6(1) of the Act, and
- b) If the principal certifier is not Council, Council has been notified of the appointment of the principal certifier no later than 2 days before building work commences in accordance with section 6.6(2) of the Act, and
- c) A construction certificate has been issued for the building works in accordance with section 6.7 of the Act, and
- d) Council has been given at least 2 days' notice of the intention to commence building works in accordance with section 6.6(2)(e) of the Act.

6. **Roofwater Disposal**

All roofwaters from the subject development are to be collected and conveyed to the existing approved stormwater drainage system serving the adjacent shed.

7. **Signage**

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out—

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building or demolition work is being carried out, but must be removed when the work has been completed.

8. Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works—

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note. Clauses 2.67 and 2.68 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

9. Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin, and must be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must—
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.

10. Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

11. Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

CONDITIONS APPLYING DURING THE WORKS

Note. The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

11. Standard hours for construction

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

12. Works outside standard hours for construction

(1) Work may be carried out outside the standard hours for construction if the work only generates noise that is—

(a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the Interim Construction Noise Guideline (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and

(b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.

(2) Work may be carried out outside the standard hours for construction—

(a) for the delivery of materials—if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or

(b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

13. Compliance with plans

(1) Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

(2) A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

14. Maintenance of site

(1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

(2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

(3) Copies of receipts stating the following must be given to the principal certifying authority—

(a) the place to which waste materials were transported,

(b) the name of the contractor transporting the materials,

(c) the quantity of materials transported off-site and recycled or disposed of.

(4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

(5) During construction—

(a) all vehicles entering or leaving the site must have their loads covered, and

(b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

- (6) At the completion of the works, the work site must be left clear of waste and debris.

15. **Earthworks, retaining walls and structural support**

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development)—
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.
- (3) Earthworks (including placement of fill and compaction) shall be undertaken in accordance with AS3798-2007: *Guidelines on earthworks for commercial and residential developments* and Part 3.1, *Building Code of Australia, Volume 2, 2019*.

16. **Compaction of fill**

- (1) Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.
- (2) Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m² (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer. Alternatively, all footings/piers are to be taken through filled ground to foundation material of uniform adequate bearing pressure in accordance with Structural Engineers requirements.
- (3) Fill material used must be virgin excavated natural material within the meaning of the Protection of Environmental Operations Act 1997 (POEO) or any other waste- derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.
Note: Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

17. **Archaeology discovered during excavation**

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.

18. **Aboriginal objects discovered during excavation**

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note. If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

19. **Waste management**

- (1) A waste management plan for the work must be prepared before work commences on the site.
- (2) The waste management plan must—
 - (a) identify all waste (including excavation, demolition and construction waste material) that will be generated by the work on the site, and
 - (b) identify the quantity of waste material, in tonnes and cubic metres, to be—
 - (i) reused on-site, and
 - (ii) recycled on-site and off-site, and
 - (iii) disposed of off-site, and
 - (c) if waste material is to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - (d) if waste material is to be disposed of or recycled off-site—specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.
- (3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

20. **Vehicles and Machinery**

All vehicles and machinery are to be located on the property and not impact traffic in the vicinity during the development process.

CONDITIONS APPLYING PRIOR TO OCCUPATION/USE

21. **Occupation Certificate**

Prior to the use or occupation of the approved development, all conditions of this consent are to be satisfied, a final inspection undertaken by the Principal Certifying Authority and an Occupation Certificate issued.

ADVISORY NOTES

AN1. **Building Inspection Schedule**

The Principal Certifying Authority (PCA) is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Lithgow City Council Certifiers during construction of the work.

AN2. **Required and Mandatory Inspection Schedule**

To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes/pad footings before filling with concrete.
- b) Trenches complete with reinforcing and prior to filling with concrete.
- c) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like).
- d) Slab base if no piers required and prior to placement of the membrane.
- e) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- f) Framing when external wall and roof cladding is in place and prior to internal linings.
- g) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- h) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

Note: forty-eight (48) hours notice shall be given to Council prior to inspections.

AN3. Termite Protection

The building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:

- (i) the method of protection and
- (ii) the date of installation of the system and
- (iii) the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

Notes: Certification is to be provided for the installed termite management systems.

AN4. Truss Specifications

That truss validation details supplied by the truss manufacturer shall be provided to Council or the accredited certifier at or prior to the time of frame inspection (alternatively, full design details are to be submitted prior to commencement of construction).

Details shall include:

- (i) job address and builder's name;
- (ii) design wind velocity;
- (iii) minimum ground snow load (Sg);
- (iv) terrain category;
- (v) truss spacing;
- (vi) roof pitch;
- (vii) material of roof;
- (viii) roof batten/purlin spacing;

- (ix) material of ceiling;
- (i) job number

This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with AS 1684.2-2006 (Residential Timber Framed Construction). Also includes window assembly being certified to AS 1288 (Glazing) and AS 2047 (Wind Speed Pressure).

AN5. **Snow And Wind Loading**

The property is located in an area subject to snow falls and high winds. Wall and roof construction shall be designed and constructed to withstand the site specific ground snow loading and wind load in accordance with the approved structural plans and specifications certified by the Approved Practising Structural Engineer.

AN6. **Condensation Management**

Condensation management provisions outlined in Part 3.8.7 apply to the installation of pliable building membranes (sarking), discharge of exhaust fans and ventilation of roof space.

AN7. **Reference to Building Code of Australia**

A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.